

FILED BY EFSWEB

**IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE  
-- PATENT APPLICATION --**

Inventors	Hensley and Davidson	Docket No.:	33205.0217
Serial No.:	10/722,811	Group Art Unit:	1616
Filed:	November 25, 2003	Examiner	Pak, John D.
Title:	<b>COMPOSITION FOR DELIVERY TO THE NASAL MEMBRANE AND METHOD OF USING SAME</b>		

**TERMINAL DISCLAIMER IN ACCORDANCE  
WITH 37 C.F.R. § 1.321(b)**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Commissioner:

The owner, Zicam, LLC, of one hundred percent interest in the instant application hereby disclaims the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of reference patent nos. 6,080,783, 6,365,624, 6,673,835, 7,348,360 as the term of said reference patents is defined in 35 U.S.C. 154 and 173, and as the term of any of said reference patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the reference patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

The owner hereby further disclaims the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference application nos. 11/781,396, 11/748,668, 11/748,653, and 11/749,111 as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference applications may be shortened by any terminal disclaimer filed prior to the grant of any patent on any of the pending reference applications. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent(s) granted on the reference applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimers, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of the reference patents and/or patents issuing on the reference applications, as shortened by any terminal disclaimer, in the event that any such patent later: (i) expires for failure to pay maintenance fee, (ii) is held unenforceable, (iii) is found invalid by a court of competent jurisdiction, (iv) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, (v) has all claims canceled by reexamination certificate, (vi) is reissued, or (vii) is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

By:

Printed Name: Samuel Cowley

Dated: 7/15/10